

JPRS 79799

6 January 1982

Worldwide Report

LAW OF THE SEA

No. 181



FOREIGN BROADCAST INFORMATION SERVICE

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REPORT DOCUMENTATION PAGE		1. REPORT NO. JPRS 79799	2.	3. Recipient's Accession No.
4. Title and Subtitle WORLDWIDE REPORT: LAW OF THE SEA, No. 181			5. Report Date 6 January 1982	
7. Author(s)			6.	
9. Performing Organization Name and Address Joint Publications Research Service 1000 North Glebe Road Arlington, Virginia 22201			8. Performing Organization Rept. No.	
12. Sponsoring Organization Name and Address As above			10. Project/Task/Work Unit No.	
			11. Contract(C) or Grant(G) No. (C) (G)	
15. Supplementary Notes			13. Type of Report & Period Covered	
			14.	
16. Abstract (Limit: 200 words) This serial report contains information from the world press and radio coverage of the Law of the Sea conferences and negotiations, territorial seas and straits, coastal and international seabed economic areas, marine pollution, scientific research and fisheries.				
17. Document Analysis a. Descriptors Worldwide Pollution Environmental Control Biological Oceanography Petroleum Fishery b. Identifiers/Open-Ended Terms c. COSATI Field/Group 5C, 6F, 8A, 8J				
18. Availability Statement: Unlimited Availability Sold by NTIS Springfield, Virginia 22161		19. Security Class (This Report) UNCLASSIFIED		21. No. of Pages 21
		20. Security Class (This Page) UNCLASSIFIED		22. Price

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BRIEFS

JOINT FISHING AGREEMENT WITH PORTUGAL--Guinea-Bissau and Portugal have agreed to establish two joint fishing enterprises following negotiations that have been underway since 1977. According to a report from ANOP (PORTUGUESE NEWS AGENCY) that was published in the weekly O JORNAL of Portugal, the talks have now entered their final phase, with our government having already approved the projects. Plans call for establishing a shrimp fishing enterprise with headquarters in Bissau and another enterprise, with headquarters in Lisbon, for marketing the product internationally. The two enterprises will be capitalized at 20,000 and 50,000 contos respectively and will be subsidized by the respective governments, with the Portuguese partner being underwritten by the Viana Fishing Enterprise. Eight fishing boats will be acquired and leased to our country by the Portuguese Government for a total of 220,000 contos. They will constitute the local enterprise's fleet. In exchange, Guinea-Bissau will allow Portugal to put up a building in Bissau for the Ministry of Fisheries, Commerce, and Artisans. [Text] [Bissau NO PINTCHA in Portuguese 21 Nov 81 p 3] 11798

CSO: 4742/100

FISHING INDUSTRY CONCERNED OVER THAI POACHERS

Madras THE HINDU in English 19 Nov 81 p 10

[Text]

VISAKHAPATNAM, Nov. 18.

The Association of Indian Fishery industries has expressed concern over the poaching by Thailand trawlers on an area 320 km inside the Indian economic zone in the Bay of Bengal.

Mr V S Prasad, Vice-President of the Association told pressmen here, that trawlers in batches of 60 to 100 were not only poaching frequently, but were also indulging in physical confrontation with Indian trawlers.

Brandishing arms: Thai trawler operators had been reportedly brandishing arms at their Indian counterparts and forcing them to withdraw. On several occasions Thai trawlers which normally carried out stern trawling had crossed the underwater gear of Indian trawlers, threatening to overturn them.

Mr Prasad remarked that Thai trawlers which were equipped with long-range radars were more alert than the Indian Coastguard which was outwitted on many occasions.

Burmese threat: Since the Burmese had threatened to shoot at Thai trawlers, the latter were cutting across the Bay of Bengal and through the Malta river point near Bangladesh, steaming West to Balasore bay and down to the Chilka in Orissa. Whenever they saw the Coastguard, the trawlers glided across the Bangladesh border.

According to Association sources, Indian trawlers were functioning to 20 to 40 per cent capacity. Consequently, each trawler was able to land barely 48 tonnes of shrimps a year, as against 85 tonnes recorded earlier. —

Mr Prasad said Indian shrimp exports had fallen from Rs. 281 crores in 1979-80 to Rs. 242 crores in 1980-81. While some marine operators like EID Parry and Indian Tobacco Company had wound up, others were in the process of closing down.

Catch snatched away: Thai trawlers were snatching away hundreds of crores of rupees worth of fish from the Indian economic zone, the Association complained.

On October 25, three Indian trawlers found good ground and caught one tonne of shrimps each but 25 Thai trawlers immediately chased them away and practically swept the ground in that area. As a result, the Indian trawlers, while returning, found no catch in that ground.

The foreign trawlers used nets with a small mesh and consequently even the young fish were caught indiscriminately.

Though trawlers normally remained at sea for a maximum period of 30 days, Thai trawlers operated continuously for 60 to 90 days. The Association of Indian Fishery Industries suspected some outside source which was providing fuel and other supplies to these trawlers.

Paltry fines: The Association demanded stern action against any such anti-national activities.

Under the existing law poachers were fined a paltry amount whenever they were detained and charged by the

Coastguard. This small fine had practically no impact on poachers, the Association contended.

It wanted confiscation of poaching trawlers as was done by Bangladesh.

An appeal was made to the Union Government to strengthen the Coastguard and place two or three fast moving vessels near sand heads off the West Bengal coast where poaching was taking place, to prevent Thai trawlers from entering the Indian economic zone.

If such action was not taken, the Indian fishing industry would receive a death blow, the association warned.

Normally October to February was considered a good harvesting season for shrimps in the Bay. As the West Coast had nearly been exhausted of its 'crop,' trawlers from all over the country had come to the East Coast.

Nearly 60 trawlers that is 50 per cent of India's trawlers were operating from Visakhapatnam.

Increased costs: Due to the increase in operational costs following the hike in the price of diesel and imposition of commercial taxes, the marine producers were finding it difficult to carry on. If the catch was to be carried away by foreign poachers, Indian marine producers had no alternative except to close down, Mr. Prasad pointed out.

The export price of one kg. of shrimps had just gone up from \$6.5 (Rs. 58.50) to \$7 (Rs. 63) on an average this year, and this did not correspond with the increase in operational costs.

CSO: 5200/7011

COAST GUARD PLAN TO COMBAT FOREIGN POACHERS TOLD

Bombay THE TIMES OF INDIA in English 26 Nov 81 p 7

[Text]

CALCUTTA, November 25
(PTI).

A fairly ambitious Rs. 150-crore development plan drawn up by the coast guard organisation aims at making it an effective and striking force against foreign poachers in the country's exclusive economic zone and curb smuggling. Vice-Admiral S. Prakash, its director-general, said here today.

Sounding a note of warning to the sneaking fishing trawlers and ships, Admiral Prakash said under the plan, the organisation would induct 18 new ships and five light transport aircraft converted into maritime reconnaissance planes and three helicopters by March, 1984, to increase its combat strength.

He was addressing a distinguished gathering on the occasion of the commissioning of the 2nd patrol craft, built by Garden Reach Shipbuilders and Engineers Limited for the coast guard, at Netaji Subhas Docks. The governor, Mr. B. D. Pande, commissioned the vessel.

On the performance of the coast guard, Admiral Prakash said it had arrested eight foreign fishing trawlers in the Indian waters. Recently, the organisation apprehended a number of foreign boats engaged in poaching and smuggling in the Fox Straits in the Gulf of Mannar and they were now in

its custody.

In the Andaman and Nicobar islands, a sensitive and strategic spot, the coast guard made its presence felt by arresting nine foreign fishing trawlers, besides five others in Haldia a week ago, he added.

Two vessels would be stationed at the coast guard district headquarters at Haldia, he said.

As far as manpower was concerned, Admiral Prakash said they were provided with the necessary personnel to make a small beginning. But now the organisation had been recruiting personnel for their cadre, he added.

Unveiling the ship's name-plate, Mrs. Bimala Pande, wife of the governor, christened her as "K. Sarang," followed by the hoisting of colours on the vessel.

The governor, who was instrumental in the formation of the coast guard organisation during his tenure as cabinet secretary, said this supplementary organisation of the navy was to look into the problems of poaching, protect the offshore oil platforms and installations and respond to distress calls from ships.

In his welcome address, Commodore A. K. Sarkar, chairman and managing director of Garden Reach Shipbuilders and Engineers Limited said they were hopeful of participating in the programme of acquisition of ships by the coast guard.

CSO: 5200/7013

CREW MEMBERS OF THAI FISHING VESSELS ARRESTED

Calcutta THE STATESMAN in English 21 Nov 81 p 3

[Text]

THE 100 arrested crew members of the five Thai fishing vessels poaching in Indian waters are being held at Haldia. The mother ship, the Chinavee and four other trawlers were intercepted by ships, aircraft and landing craft of the Indian Navy, 18 miles south of the Sandheads.

Briefing reporters on board the INS Kiltan, (one of the ships that rounded up the fishing vessels) at the Man O War jetty, Calcutta, Vice-Admiral M. K. Roy, FOC-in-C, Eastern Naval Command, said the vessels were well equipped and fast. The five trawlers were brought into Haldia under naval escort with naval personnel on board. The Home Ministry had been informed and the Thai crew members handed over to the Coast Guard division at Haldia.

This is the first time that foreign trawlers have been arrested for poaching this coast after the Lok Sabha passed the Maritime Zones Act 1981. Admiral Roy said. Twenty tons of fish were seized from the trawlers. The fishing vessels had come for lobsters and king prawns which are plentiful during this time of the year. It was learnt.

The mother ship and the four trawlers were said to be fitted with sophisticated equipment such as echo sounder, modern communication system, fishing gear and holds to store the catch. A Indian Navy helicopter and a fixed-wing aircraft were pressed into service to capture the vessels. It was learnt that of the 12 trawlers found poaching in Indian waters, seven crossed into Bangladesh territorial waters making it difficult for the Indian Navy to capture them. The catch was handed over to officials of the Fisheries Development Corporation. The operation was launched by the Navy on November 17.

A constant menace, fishing vessels from foreign countries poach in the exclusive economic zone of the country and take away catch worth crores of rupees. Foreign fishing vessels have been known to come as far as Balasore Bay and Paradeep Port on the Orissa coast. While efforts are being made to develop the coast guard to counteract the menace, the Indian Navy has been lending a helping hand to curb poaching in the 2.2 billion square miles of water that forms the country's economic zone.

CSO: 5200/7012

BRIEFS

DAMAGE FROM TRAWLERS--Bombay, November 11--The intrusion of mechanised trawlers in the shallow coastal waters was depriving traditional fishermen of their livelihood, observed Mr M. Saldhana, chairman of the national forum for catamaran and countryboat fishermen's rights and marine wealth at a press conference at Bandra today. According to Mr Saldhana, the government's permission to trawlers applied to deep-sea fishing. But instead of complying with this regulation, Trawler owners were drawing fish from near the shore and exporting it to America. Only 10 per cent of the catch was reserved for home consumption. This had resulted in a fish famine, particularly in Kerala and Cochin, he said. He urged a ban on fishing by trawlers within 20 km. of the shore, and nationalisation of fishing. [Text] [Bombay THE TIMES OF INDIA in English 12 Nov 81 p 5]

CSO: 5200/7009

BRIEFS

OIL EXPLORATION ON CONTINENTAL SHELF--Seoul, Dec. 11 (YONHAP)--Korea plans to drill three holes in its continental shelf next year, in search of seabed oil resources. Energy-Resources Ministry officials said Friday that Japex [as received] of the United States would begin drilling in the fourth mining zone of the continental shelf, in the latter half of next year, under an agreement signed last August with the Korea Oil Corp. The Korean-American Oil Co. and Texaco of the United States will also undertake separate drilling projects some time next year in the seventh mining zone along the shelf. Although the officials did not disclose a detailed timetable for the drilling projects, they said that the work would be carried out regardless of whether the current drilling project in the seventh zone will hit commercially feasible oil deposits or not. The three new projects will bring to 13 the number of oil prospecting projects along its continental shelf being undertaken by Korea since 1972, in cooperation with U.S. firms. Shell of the United States undertook the first project in the six mining bloc. Meanwhile, the Korea Development Co (Kodeco) and the state-run Oil Corporation of Indonesia will also begin four prospecting projects off west Madura in Indonesia in April next year. Kodeco has already finished seismic surveys of the prospecting sites, the officials said. [Text] [SK110122 Seoul YONHAP in English 0110 GMT 11 Dec 81]

CSO: 5200/2020

THAI POLICY ON LAW OF SEA TALKS

BK090516 Bangkok NATION REVIEW in English 9 Dec 81 p 5

["Excerpts" from speech by Thai Deputy Foreign Minister Arun Phanuphong to be delivered on 9 December at symposium "New Law of the Sea in Southeast Asia: Development Effects and Regional Approaches" held at Chulalongkon University, Bangkok]

[Text] That the law of the sea is a very important subject matter for every nation can hardly be overemphasized. Indeed, too much is at stake.

The ocean constitutes about 70 percent of the earth's surface. It serves as a main source of food and of minerals, as well as an important medium of transportation. It also serves as part of human life--sustaining environment.

Thus, every nation, be it large or small, coastal or landlocked, maritime or non-maritime, has some interests in the sea. For this reason, nations of the world have been engaged for almost nine years now in the multilateral negotiations at the third United Nations conference on the law of the sea.

Strenuous efforts have been made to devise a comprehensive regime governing the uses of the ocean and its resources. Because of the multitude of important issues and interests involved, the conference has become the most complex and the longest international lawmaking negotiations in the United Nations history. The conference has now entered its final phase, but it seems to some people that the convention is still in the offing. The next 11th session in New York in March 1982 is once again, anticipated to be the last one. Yet we can only prognosticate.

At the next session, there is as much a prospect of overall consensus, as there is a prospect of disagreement.

Whatever the result of the conference, the law of the sea will not be the same. The traditional principle of the freedom of the sea has been fundamentally altered. We cannot of course expect that states will observe the rules of which they have no part in making, or which are plainly not in their national interests.

Among the trends which have emerged is the recognition of the extension of coastal states jurisdiction into areas formerly regarded as high seas. This is now reflected in the draft convention of the law of the sea. And even if the conference should end in failure, the irreversibility of this trend is no longer in doubt.

One important concept representing the extension of coastal states jurisdiction is that of exclusive economic zone. This concept has already been put into practice by more than 80 states. Thus, with or without the convention on the law of the sea, this new zone of national jurisdiction will eventually be with us permanently since the adoption of this zone by a great number of states can be regarded as having materialized this concept into customary international law.

This is one of the reasons why Thailand, although hesitating in the beginning, has no alternative but to follow the trend by proclaiming her exclusive economic zone on 23 February 1981.

The new developments in the law of the sea are expected to generate wide-ranging repercussions. As far as Southeast Asia is concerned, a glance at the map would reveal that, with the advent of the exclusive economic zone, the ocean space in the region is under the national jurisdiction of coastal states. There is no area left as high seas.

Needless to say, the establishment of the new zone of national jurisdiction in the region can have different effects on each country concerned. These effects vary, depending, among other things, on the geographical location of the country, its level of economic development, its economic structure especially its dependence on international trade, and its capability in the exploitation of living and non-living resources of the ocean.

Let me now discuss how the establishment of the new zone of national jurisdiction can impact upon the countries of Southeast Asia.

First, it may give rise to jurisdictional disputes between the opposite or adjacent countries advocating different principles of delimitation in support of their claims. This controversial question of delimitation is still pending before the third United Nations conference on the law of the sea.

There are two opposing views on the issue. One group of countries contends that the equidistance principle should prevail while the other favours the equitable principle as the basis for boundary determination. These two positions have not easily come to terms.

Without the definite guidelines with regard to delimitation, the problems are serious indeed. Moreover, the settlement of the maritime boundary disputes depends very much on the political relations between parties concerned. Since this kind of disputes is of the same character as land boundary disputes, nationalistic sentiments can work to aggravate the situation. Finally, the potentiality of the areas in terms of prospect for discovery of hydrocarbons may further complicate the delimitation problems.

In this connection, however, it is gratifying to note that Thailand has reached agreement concerning delimitation of her maritime boundaries with almost all of her neighbouring countries.

Second, the new regime of the exclusive economic zone is a mixture of unprecedented opportunities and onerous responsibilities. While the coastal state has sovereign

rights to explore and exploit natural resources in certain matters, the new regime also requires the coastal state to take positive action towards better management and optimum utilization of resources in such a manner as to maximize benefits for its own economy and people.

However, it is a well known fact that many coastal states in the region do not, at present, have the capacities nor expertise to take advantage of the opportunities before them, they lack the skills required for the national management and optimum utilization of resources. Nor do they have capabilities to meet their obligations envisaged in the concept of the exclusive economic zone.

In short, these problems are: How can the coastal states in the region enjoy maximum benefits from the rights accorded to them under the regime of the exclusive economic zone, and how can they at the same time fulfill their obligations. For instance, insofar as fisheries are concerned, few states in the region have the capital, technical and managerial know-how to enable them to undertake fishing operations on a appreciable scale in the areas.

Furthermore, the lack of knowledge concerning the stock of fish or the breeding grounds and the migratory habits of fish found within the exclusive economic zone makes it extremely difficult for the states in the region to determine their allowable catch or to plan measure for management and conservation of the fishery resources.

The situation in the development of non-living resources is not dissimilar. It may be even worse. The exploitation of non-living resources requires huge investments and a great deal of sophisticated technical know-how which the developing countries in the region have to depend almost totally on developed countries.

Likewise, in regard to the preservation of marine environment the coastal states in the region may not have financial, institutional and technological capabilities to prevent, reduce or control pollution of the marine environment.

Third, even though the coastal states in the region can agree on the delimitation of their maritime boundaries, there may arise another problem following the division of jurisdiction. The nature of the sea is one of physical interdependencies. Ocean winds and currents, of course, will not observe artificial boundaries, nor will the living resources of the sea. Thus, mismanagement of fisheries or environmental damage in one country's offshore areas can affect neighbouring countries' areas to varying degrees.

In order to avoid any possible adverse effects to Southeast Asian region as a result of maritime extension by coastal states, two complementary approaches should be pursued in this respect.

First, developed countries and international organizations concerned should provide to the developing coastal states adequate assistance in order to enhance their exploitation, conservation and management of resources, as well as to enable them to fulfill their duties towards, the international community. In this connection, some international organizations have been very responsive to render assistance to the countries in the region.

For example, in the field of fisheries FAO has devised a programme of assistance in the development and management of fisheries in the exclusive economic zones. In the field of marine environment, UNEP has cooperated with the ASEAN countries in the East Asian sea programme to prevent, reduce and control pollution to the marine environment of the region.

Furthermore, the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP) under ESCAP has done a great deal of work in the field of research for offshore mineral resources. But more assistance is still needed on a host of areas which involve fishery research, conservation of fishery resources and surveillance of the exclusive economic zone.

Second, cooperation among countries of the region should be promoted. Indeed, regional cooperation is contemplated in many relevant parts of the draft convention on the law of the sea. This is necessitated by the fact that the sea area is the ecological system shared by two or more countries, and is physically interdependent in nature. The imposition of boundaries cannot prevent the movement of living resources and pollutants from one jurisdiction to another.

Even hydrocarbon reservoirs sometimes lie across the boundaries. Under these circumstances, it is imperative that neighbouring countries cooperate with one another for their mutual benefit in the management of resources and control of pollution.

Regional cooperation will be more productive as compared to measures taken separately by each state in the region. As far as Southeast Asia is concerned, it is fortunate that we already have a regional institution, namely ASEAN, that can be strengthened in several areas relating to the law of the sea matters.

However, regional cooperation is not only required to deal with environment protection and the management of fishery resources but also with marine scientific research, transfer of marine technology and the furnishing of science-based services.

CSO: 5200/4507

THAILAND

BRIEFS

FRENCH PATROL IN GULF--Bangkok, 29 Oct (AFP)--Bernard Kouchner, founder of the French humanitarian group Medecins du Monde (Doctors of the World), left here tonight aboard a rescue ship called Akuna for a weeklong anti-piracy patrol of the Gulf of Thailand. Mr Kouchner is anxious to draw attention to the continuing threat to Vietnamese boat people posed by fishermen-turned-pirates, who often treat female refugees, some as young as 12, as sexual playthings. Medecins du Monde foots most of the bill for the Akuna, which regularly cruises the Gulf to help boats in distress. The patrol takes place against a backdrop of new figures showing an increase in the number of Vietnamese women who said they were raped before reaching shore this year. [Text] [BK291447 Hong Kong AFP in English 1429 GMT 29 Oct 81]

CSO: 5200/4707

GOVERNMENT TO INITIATE 4-YEAR MARITIME RESEARCH PROGRAM

Resource Potential Stressed

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Nov 81 p 20

[Text] Vice Adm Mucio Piragibe Ribeiro de Bakker, secretary general of the Inter-ministerial Commission on Sea Resources (CIRM), announced in Rio Grande, Rio Grande do Sul, yesterday that next year the government will begin a national program to survey the 4 million square kilometers of Brazil's territorial waters. The program, which will take 4 years, will cost 7 billion cruzeiros and will involve more than 10 research institutions from various universities.

About 160 projects are to be conducted during this period. According to the vice admiral:

"It is the beginning of our eastward march. Until now we have turned our attention mostly to the west--Brasilia, the Transamazon highway, and so forth. But our last refuge, the refuge of all nations of the world, is the sea. This plan is a great challenge for Brazil. The sea is the alternative for combating world hunger."

The plan, he says, is quite comprehensive and it is difficult to separate one project from another to identify priorities. But essentially the objective is research on alternative sources of food, energy and raw materials. In the area of foods, the vice admiral pointed out that Brazil has yet to perfect its technology of "oceanoculture." In this regard, he commented that the project will open a new era for the nation, just as the first domestication of animals changed some prehistoric civilizations. Raising fish in confinement is still virtually unknown in Brazil and research should be aimed at spreading technology of this type.

The life cycle of lobsters will also be studied. In recent years there have been fewer lobsters in the Northeast and the research will investigate the causes of this scarcity, perhaps suggesting the need to increase production by repopulating the area. There will be a specific project for ecology that will analyze the effect of all types of waste matter on the sea, flowing from river estuaries.

Discovery of new metals, energy utilization of waves, identification of marine fauna and geophysical and geological tests will be some of the other items provided for in the plan. The CIRM will coordinate execution of each project, release funds, oversee schedules and evaluate results.

The vice admiral acknowledged that the four oceanographic ships the nation now owns are not enough for the entire territorial sea. And he admitted a possibility that the program will collaborate in expanding this fleet. The plan was prepared on the basis of selecting the best projects chosen by the CIRM from among all those submitted by interested institutions in competitive conditions.

Law-of-Sea Aspects

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 21 Nov 81 p 10

[Text] Porto Alegre--Setting the possible limits of Brazilian sovereignty over the Atlantic continental shelf is one of the objectives of the 4-year maritime research program the government will begin next year, as reported in Porto Alegre yesterday by the secretary general of the Interministerial Commission on Sea Resources (CIRM), Vice Adm Mucio Piragibe Ribeiro de Bakker. The program, announced on Wednesday in Rio Grande by the vice admiral himself, will be conducted by over 10 research institutions of various universities, coordinated by the CIRM. During the 4-year program 160 research projects will be conducted, costing a total of 7 billion cruzeiros.

The possibility that the new Law of the Sea, being studied by the United Nations, will be approved is one of the reasons for the Brazilian Government's current interest in the subject. If the proposal being studied is approved, national territorial waters will be limited to 12 miles beyond the coast, as explained by Ivo Sefton de Azevedo, Rio Grande do Sul specialist in international law. In the case of Brazil, there would be a significant reduction of sovereignty over territorial waters, which currently extend to 200 miles.

The proposal introduces a new criterion for the continental shelf--that is, the ocean floor and its subsoil--according to which national sovereignty could extend to 350 miles, depending upon geological characteristics. Knowing the characteristics of the Atlantic continental shelf in advance, the Brazilian Government will be in a position to claim sovereignty over a much larger extent of the ocean bed and will thus have absolute right over all that may be there, such as minerals and petroleum.

Yesterday Vice Admiral Bakker visited the Coastal Studies Center (CECO) of Rio Grande do Sul Federal University. When he left he spoke about his visit and the research plans:

"We came here to visit these facilities to find out about what is going to be done, because it is one of the most important geology laboratories in Brazil and we must know its working potential. As soon as the Law of the Sea is ratified, the continental shelf may be extended to 350 miles based on the sedimentary layer. That means we should make a geological survey of the continental shelf in order to learn how much we may claim.

"This," he added, "is one of the long-term studies we must make." He then explained that this is planned in the 4-year program. The vice admiral was not able to say in which month of 1982 the program will begin, but he guaranteed its accomplishment, arguing that the most important thing has already been achieved: the support of the Navy and Planning ministries. "Now," he concluded, "we are going to discuss how the money will be appropriated so we can begin in 1982." Ribeiro Bakker knows absolutely nothing about his announced appointment as coordinator of the Brazilian Commission for Antarctic Affairs.

INSURERS SHOW CONCERN OVER MARITIME FRAUD

Kuwait ARAB TIMES in English 2 Dec 81 p 6

[Text]

KUWAIT, Dec. 1: Insurance companies here are highly concerned over the reports of a massive fraud at sea involving about 50 Gulf merchants, it was reported today.

They have issued a memorandum to their clients saying the concerned merchants should contact their underwriters without delay.

In Abu Dhabi meanwhile it has been announced that a Singapore Court has passed a ruling concerning the impounded goods and informed the UAE merchants that they must pay up for the off-loading and re-shipping if they wish to recover their cargo. Al-Anbaa reported.

The marine piracy case in which the victims stand to lose about 8-12 million dollars also involves three Kuwaiti vessels which sailed under the names of 'Lucky Willy', 'Smiley' and 'Folly Wealth', respectively.

In their joint statement the insurance companies ask their clients to file detailed claims so

as to claim their covers.

The three Kuwaiti vessels are now berthed in Singapore harbour with their cargo impounded.

Impounded

The case dates back to the 1976-77 period but repercussions are being felt now, the statement adds.

Losses up to 12 million dollars have now been cited though earlier estimates listed risks amounting to 8 million dollars.

Traders should lift their cargo with the help of recognized national shipping lines which belong to international conference agreements. Unfortunately, the statement continues, many merchants do not heed this advice in an effort to cut their costs. A list of the national carriers has been frequently circulated by the companies in the past, it is being pointed out.

The insurance experts strongly support the call by the Director of the Public Port Authority

Dr. Ibrahim Makki calling on cargo shippers to avoid non-conference vessels.

That call had also been spelled out earlier by General Manager of the United Arab Shipping Line Abdul-Aziz Al-Sallat.

Costs

In Abu Dhabi it has been announced that a decision by the Singapore court has reached the UAE shippers. They are asked to cover the costs of the offloading, storing and re-shipping operations if they wish to salvage their goods.

The goods, which have been impounded in the Singapore harbor, will become the lawful property of the ship operators if the Arab merchants fail to pay up, the ruling said.

In their answer the merchants have asked their representatives in Singapore to follow the case up and find out exactly how much money is needed to salvage the goods.

They said they are willing to pay up as soon as possible. Al-Anbaa reported.

FOREIGN VESSEL FINED FOR ILLEGAL FISHING

Luanda JORNAL DE ANGOLA in Portuguese 19 Nov 81 p 9

[Text] The Appeals Court has refused to review the appeal of the sentence imposed by the Fifth Criminal Court of Luanda on Jedraszar Mieczyslaw, captain of the fishing vessel "Al Razaza" and the Iraqi State Organization for Fisheries company, for illegal fishing in Angolan territorial waters.

The opinion issued by the country's superior judicial organ on 30 October 1981 fully confirms the original sentence.

It is recalled that following a trial conducted with all legal guarantees at the Fifth Criminal Court of Luanda, it was proved that the above fishing vessel "Al Razaza" was caught on 11 February 1981 by the control boat "Protector" illegally fishing in Angolan territorial waters at a point located 7 1/2 miles from the coast. It was also proved that there were 639 tons of carapau [cheap quality of fish] and 73.4 tons of fish meal aboard the ship.

The sentence which was now confirmed had ordered the captain of the "Al Razaza" and the shipowner to pay a fine of 253,080,000 kwanzas in freely convertible currency.

It should be noted that this is the first time that our courts apply the decree No 12 A/80 of 6 February, which established a new and more efficient system for the protection of our marine resources and extended the People's Republic of Angola "exclusive economic zone" to 200 nautical miles.

CSO: 5200/5618

DISPUTE WITH SPANISH COMPANY OVER ILLEGAL FISHING

Maputo NOTICIAS in Portuguese 12 Nov 81 p 8

[Article by Leandro Paul]

[Text] Spanish shipping companies owe the Mozambican Freight and Navigation Agency (AFRENA) about 50,000 contos for habitual illegal shrimp fishing and also for business activities throughout the past 3 years. ANFRENA, therefore, has reinforced its supervision of commitments stipulated in the contracts.

The Spanish shipping companies Alvarez Entrena, Pesqueras del Guadalmesi and Congeladores Asociados have agreements with our country for shrimp fishing in the 200 nautical miles which constitute the Economic Restrictive Zone, in accordance with Executive Decree 31/76. Within this zone, Mozambique has sovereign rights and prospecting, exploration and conservation and also the administration of native, biological and nonbiological resources at the bottom of the sea, in its subsurface and its adjacent waters.

Toward the end of 1979, two Alvarez Entrena trawlers mysteriously disappeared without trace. At the time, this shipping company owed ANFRENA around 8,500 contos in foreign exchange credit for the latter's business activities. The agency tried to collect the debt but, as a reliable source in the National Directorate of Ocean and River Transportation (DNTMF) disclosed, it was ordered a year later because of accounting arrears in its invoicing.

The shipping company Pesqueras del Guadalmesi has three shrimp trawlers, namely, "Vilas Joyosas," "Padres Flores" and "Bosoko."

Early last year, two of these vessels unexpectedly sank. One of them caught fire, while in the other one a valve broke open. Both accidents, according to the same DNTMF source, occurred under unexplainable circumstances.

At the time, the "Bosoko" incurred a 10,000-conto debt with ANFRENA for repairs carried out in the Mozambican harbor. Its owners had another 20,000-conto debt.

The National Freight and Shipping Agency then demanded that the owners of the "Bosoko" pay the debts contracted, otherwise the trawler would be prevented from sailing.

Joaquim Fernandez in turn stated that since he had no money, the only way he could raise the payment as quickly as possible would be to begin fishing operations again.

ANFRENA counterproposed a bank guarantee which would provide the best opportunity for settling accounts. The ship's chandler then declared that because he was bankrupt, no bank would give him any guarantees.

As a judicial measure, the naval authorities detained the ship in the Maputo harbor. On the same day as the embargo, the fishing boat "Enrique del Aquinago" was expected in Beira harbor to carry out the transshipment of shrimp to an international ship. This freighter was then to deliver the shrimp to Spain. The vessel belonged to the Congeladores Associados shipping company, and was also the property of Joaquim Fernandez. The Enrique del Aquinago company also owned ANFRENA some 8,000 contos for management fees.

But the tug did not appear in the Beira harbor. It was later seen going southward toward South Africa with 10 Mozambican seamen on board.

Shortly after the judicial formalities were concluded, the seamen returned to Mozambique. After the trial at the Natal Supreme Court, in South Africa, Joaquim Fernandez was convicted and obliged to pay ANFRENA approximately 36,000 contos in foreign exchange credits accrued from the interest payments.

Meanwhile, at the Ministry of Ports and Land Transportation it was learned that the company owning the tug "Enrique del Aquinago" had already been sued in Beira in 1977 for shrimp fishing in territorial waters without the required permission. At the time, the naval authorities demanded a bond of 500,000 metricals.

The provincial court, however, rendered a sentence favorable to the Congeladores Associados Shipping Company. However, the judge who presided at the trial did not inform the naval authorities of the sentence, thus rendering it impossible to make an appeal to the Higher Court of Appeals.

Shortly after, the Mozambican judge fled from Mozambique. This flight, the Directorate of Ocean and River Transport source told us, gave rise to strong suspicion of his complicity with the shipping company.

The Mozambican naval authorities only learned of the sentence through a Spanish magazine which Joaquim Fernandez sent to DNTMF.

As a countermeasure, the naval authorities assumed more stringent supervision regarding contracts made with the fishing companies. These contain clauses which preclude the late payment of debts.

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CSO: 5200/5612

SOCIALIST PAPER: BARENTS SEA TALKS CHALLENGE GOVERNMENT

PM141515 Oslo ARBEIDERBLADET in Norwegian 8 Dec 81 p 4

[Editorial: "The Conservative Party and the Barents Sea"]

[Text] A new round of negotiations between Norway and the Soviet Union on the demarcation line in the Barents Sea have started in Oslo. There is some cautious optimism with regard to the outcome of this round, but there is little chance of a breakthrough unless something entirely remarkable were to happen behind the closed doors.

It is a new Norwegian Government that has sat down at the negotiating table. The foundation for the negotiations were laid by Labor Party governments throughout the seventies. The fisheries agreement reached in 1977--the so-called gray-zone agreement--was met with violent criticism from the then opposition. It was mainly the Conservative Party which trained its sights on the government of the day. Opposition was demonstrated dramatically when the nonsocialist bloc voted against the whole of the agreement when it was debated in the Storting. In many ways the Conservative Party at that time represented the beginning of the tougher domestic conflict on international questions which we have seen in Norway in recent years. The then head of the Norwegian delegation at the negotiations, Jens Evensen, who has now been sacked by the conservative government, returned from Moscow and declared that this was the best result it was possible to achieve, and that the Storting must approve the agreement. At the time criticism of Evensen and the agreement itself reached almost hysterical proportions.

The Conservative Party's behavior in 1977 has placed an unusually large amount of responsibility on the party--now in government--at the present crossroads. The objective of the negotiation is to draw the demarcation line between Norwegian and Soviet territory in the Barents Sea. In 1977 it was a fisheries agreement that was reached. It is therefore natural that the principles used then will form much of the foundation for the talks which have just begun, even though it must be stressed that there is nothing to dictate that the fisheries agreement will constitute the precedent for the shape of the final demarcation line.

Once this reservation has been made, and bearing in mind the violent attacks from the opposition in 1977, it can be asserted that it would be impossible for our new government to accept a result which in important respects was not closer to the Norwegian demands.

Our new government should take note that its behavior in opposition has legitimized an attitude on the part of the Labor Party which means that it is no longer possible to count on automatic support in the name of national unity. Of course this does not mean that the Labor Party would begin by adopting a negative attitude toward any possible result from future negotiations. The government's actions will be judged soberly, but it might be useful to point out that our new political leaders are not a protected species in this affair.

"One should give oneself plenty of time," an editorial in AFTENPOSTEN stated last week. Naturally, we agree. The negotiations should not be forced if this would mean undermining Norwegian interests. However, when the government's mouthpiece draws parallels with the Russians' negotiations with Iran on the demarcation line in the Caspian Sea and similar discussions with the Swedes on the demarcation line in the Baltic, well, things are almost becoming comical. Both these sets of negotiations were started several decades ago.

Great interests are at stake in the Barents Sea. In particular it is important for Norway to chart the resources in our northern regions. Allowing the demarcation line negotiations simply to drag on and on would not be in line with the clear national interests which Norway must protect in the north.

The government is therefore obliged to play an active role and to take initiatives to bring about progress. There is no use in merely replying to the Russians that we will not move until new demarches come from Moscow. Having said this, we must, however, also stress that initiatives must not be taken that would lead to a direct weakening of our national interests in this--in terms of natural resources--significant section of the world map.

Our new government has very high ambitions in the negotiations which have begun. If important results are achieved during the conservatives' term of office, the Labor Party can promise sober opposition, but not national unity at any price.

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Jan. 8, 1982